

CHAPTER TWENTY

PERMISSIBLE USES

Section 20-10 Table of Permissible Uses - The Table of Permissible Uses (Table 20-10 : 8) should be read in close conjunction with the definitions of terms set forth in Chapter Two - Definitions and the other interpretative provisions set forth in these Codes.

Section 20-20 Use of the Designations I, II, and III

- A. **I, II, and III Designations** - Subject to Section 4-10 - Permits Required, when used in connection with a particular use in the Table 20-1 - Table of Permissible Uses, the letter "I" means that the use is permissible with a Division I Permit issued by the administrator. The letters "II" means a Division II Permit must be obtained and the letters "III" mean a Division III Permit must be obtained.
- B. **"II / III" Designation** - When used in connection with residential uses (use classification 1.000) the designation "II / III" means that such developments of less than five dwelling units must be pursuant to a Division II Permit, developments of five or more dwelling units need a Division III Permit.

Section 20-25 Planning & Zoning Commission Jurisdiction Over Uses Permissible With a Division I Permit - Notwithstanding any other provisions of these Codes, whenever Table 20-1 -Table of Permissible Uses, and other provisions of these Codes provide that a use is permissible with a Division I Permit, the permit shall nevertheless be required to follow the Division II Permit procedure if the administrator finds that the proposed use would have an extraordinary impact on neighboring properties or the general public. In making this determination, the administrator shall consider, among other factors, whether the use is proposed for an undeveloped or previously developed lot, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses.

Section 20-30 Permissible Uses and Specific Exclusions

- A. **Legitimate Uses Are Permissible** - The presumption established by this chapter is that all legitimate uses of land are permissible somewhere within the County's planning jurisdiction. Therefore, because the list of permissible uses set forth in Table 20-1 - Table of Permissible Uses cannot be all inclusive; those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses. This Section shall not be interpreted to allow a use in one use category when the use in question is more closely related to another specified use in another category.

- B. **Uses Not Listed** - Notwithstanding Subsection (A), all uses that are not listed in Table 20-1 Table of Permissible Uses, even given the liberal interpretation mandated by Subsection (A), are prohibited.

Section 20-35 Accessory Uses

- A. **Listed Accessory Uses** - Table 20-1 -(Table of Permissible Uses), classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use takes place on a lot, or is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multifamily development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development, would require a use permit (use classification 6.200).
- B. **Interpretation** - For purposes of interpreting Subsection (A):
1. A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use,
 2. To be "commonly associated" with a principle use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
- C. **Residential Accessory Uses** - Without limitation the generality of Subsections (A) and (B), the following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:
1. Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation.
 2. Hobbies or recreation activities of a noncommercial nature, so long as such activities do not fall within the definition of a home occupation.
 3. The renting out of one or two rooms within a single-family residence (which one or two rooms do not themselves constitute a separate dwelling unit) to not more than two persons who are not part of the family that resides in the single-family dwelling.
 4. Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any 90-day period.

Section 20-40 Change in Use

- A. **Substantial Change in Use** - A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:
1. The change involves a change from one principal use category to another.
 2. If the original use is a combination use (16.000), the relative proportion of space devoted to the individual principal uses that comprise the combination use changes to such an extent that the parking requirements for the overall use are altered.
 3. If the original use is a combination use, the mixture of types of individual principal uses that comprise the combination use changes.
 4. In the case of non-conforming situations, If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination category as the previous type of business). For example, if there is only one building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use even though both tenants fall within principal use classification 2.100. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (shopping center-combination use) has not changed.
- B. **Change From Unoccupied to Occupied** - A mere change in the status of property from unoccupied to occupied or vice versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property meets the requirements for abandonment. (Section 14-60 - Abandonment and Discontinuance of Nonconforming Situations.)
- C. **Change in Ownership** - A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use. (Except as provided in Section 16-10 - Home Occupations.)

Section 20-45 More Specific Use Controls - Whenever a development could fall within more than one use classification in Table 20-1 - Table of Permissible Uses, the classification that most closely and most specifically describes the development controls.

Table 20-1
Table of Permissible Uses

	NEW USE	CHANGE WITHIN A CATEGORY	EXPANSION OF A PERMITTED USE	EXPANSION OF A GRANDFATHERED USE
0.000 AGRICULTURAL	N/A	N/A	N/A	N/A
1.000 RESIDENTIAL				
1.100 Single-Family Residence	I	I	I	I
1.200 Two-Family Residence	II	II	II	II
1.300 Multi-Family Residence	III	III	II	III
1.400 Homes Emphasizing Special Services, Treatment, or Supervision	I	I	II	I
1.500 Miscellaneous, Rooms For Rent (Not including Hotels & Motels)	II / III	II / III	II	II / III
1.600 Temporary Emergency, Construction, and Repair Residences	I	I	I	I
1.700 Home Occupations	II	II	II	II
2.000 SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT				
2.100 Low Volume Traffic Generation	III			
2.200 High Volume Traffic Generation	III	II	II	III
2.300 Hotels, motels, and similar uses providing overnight accommodations	III	II	II	III
2.400 Restaurants and cafes	III	II	II	III
3.000 OFFICE, CLERICAL, AND SERVICES NOT PRIMARILY RELATED TO GOODS AND MERCHANDISE				
3.100 Operations Designed to Attract Little or No Customer or Client Traffic	III	II	II	III
3.200 Operations Designed to Attract and Serve Customers or Clients on The Premises, Such as the Offices of Attorneys, Brokers, or Other Professionals	III	II	II	III
4.000 MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS, MERCHANDISE AND EQUIPMENT.				
4.100 Operations Designed to Attract Little or No Customer or Client Traffic With all operations conducted entirely within a fully enclosed building	III	II	II	III
4.200 Operations Designed to Attract Little or No Customer or Client Traffic With operations conducted within and/or outside a fully enclosed building	III	II	II	III
4.300 Operations Designed to Attract and Serve Customers or Clients on The Premises With all operations conducted entirely within a fully enclosed building	III	II	II	III
4.400 Operations Designed to Attract and Serve Customers or Clients on The Premises With operations conducted within and/or outside a fully enclosed building	III	II	II	III

	NEW USE	USE CHANGE WITHIN A CATEGORY	EXPANSION OF A PERMITTED USE	EXPANSION OF A (GRANDFATHERED)
6.000 EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES				
5.100 Non-Profit Schools	III			
5.150 For-Profit Schools	II	II	II	II
5.200 Churches, synagogues, and temples (including associated residential structures for religious personnel and associated buildings, but not including school buildings.)	III	II	II	II
5.300 Libraries, museums, art galleries, and similar uses.	II	II	II	II
5.400 Social, fraternal clubs and lodges, union halls, and similar uses.	III	II	II	III
5.500 Cemeteries	III	II	II	III
5.600 Nursery schools, day care centers with 10 or less residents	II	II	II	II
5.650 Nursery schools, day care centers with 11 or more residents	III	II	II	III
6.000 RECREATION, AMUSEMENT, ENTERTAINMENT				
6.100 Activity conducted entirely within building or substantial structure	III	II	II	III
6.200 Activity conducted primarily outside enclosed buildings or structures	III	II	II	III
6.300 Coliseums, stadiums, and all other facilities designed to seat or accommodate simultaneously more than 1,000 people.	III	II	II	III
6.400 Automobile, motorcycle and other vehicle racing tracks	III	II	II	III
7.000 INSTITUTIONAL RESIDENCE OR CARE OR CONFINEMENT FACILITIES				
7.100 Hospitals, clinics, other medical (including mental health) treatment facilities	III	II	II	III
7.200 Nursing care institutions, intermediate care institutions, handicapped or infirm institutions, child care institutions	III	II	II	III
7.300 Institutions (other than halfway institutions) where mentally ill persons are confined	III	II	II	III
7.400 Halfway institutions, Penal and Correctional facilities	III	II	II	III
8.000 MISCELLANEOUS PUBLIC AND SEMI-PUBLIC FACILITIES				
8.100 Post office	III			
8.200 Airport	III	II	II	III
8.300 Bus station, train station	III	II	II	III
8.400 Emergency and government services	II	II	II	II
9.000 MOTOR VEHICLE-RELATED SALES AND SERVICE OPERATIONS				
9.100 Motor vehicle sales or rental	III	II	II	III
9.200 Sales with installation of motor vehicle parts or accessories (e.g., tires, mufflers, etc.)	III	II	II	III
9.300 Motor vehicle repair and maintenance, painting and body work	III	II	II	III
9.400 Mobile home sales, repair and service	III	II	II	III

	NEW USE	CHANGE WITHIN A CATEGORY	EXPANSION OF A PERMITTED USE	EXPANSION OF A GRANDFATHERED USE
10.000 STORAGE AND PARKING	III			
10.100 Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking is related	III	II	II	III
10.200 Storage of goods not related to sale or use of those goods on the same lot where stored	III	II	II	III
10.300 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of the lot, and (ii) parking or storage is more than a minor and incidental part of the overall use	III	II	II	III
10.400 Storage of goods directly related to the sale or use of those goods on the same lot where stored	III	II	II	III
11.000 SCRAP MATERIAL SALVAGE YARDS, JUNKYARDS, AUTOMOBILE GRAVEYARDS	III	II	II	III
12.000 SERVICES AND USES RELATED TO ANIMALS	III			
12.100 Veterinarian / Kennel	III	II	II	III
12.200 High Density Feed Lots / Confined Quarters	III	II	II	III
13.000 TELECOMMUNICATION TOWERS AND ANTENNAS OF A COMMERCIAL NATURE	III	II	II	III
Receive only earth stations and telecommunication towers	III	II	II	III
14.000 OPEN AIR MARKETS AND HORTICULTURAL SALES	III			
14.100 Open air markets (farm and craft markets, flea markets, produce markets)	III	II	II	III
14.200 Horticultural sales with outdoor display	III	II	II	III
15.000 MINING, QUARRYING, & LANDFILL OPERATIONS	III			
15.100 Mining or quarrying operations	III	II	II	III
15.200 On-site sales of products relating to mining and/or quarrying operations	III	II	II	III
15.300 Reclamation landfill	III	II	II	III
15.400 Sanitary landfill	III	II	II	III
16.000 COMBINATION USES	III	II	II	III

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